

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
CENTRAL DIVISION**

MANDY FRAZIER  
*on behalf of* Trevor McDonald,

Plaintiff,

vs.

MICHAEL J. ASTRUE,  
Commissioner of Social Security,  
Defendant.

No. C06-3033-PAZ

**ORDER**

---

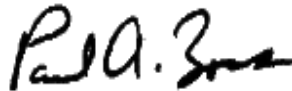
On September 28, 2007, the court entered an order, Doc. No. 23, reversing the Commissioner's decision in this case, and remanding the case pursuant to sentence four of 42 U.S.C. § 405(g), for calculation and award of benefits. On December 19, 2007, the plaintiff filed an application for attorney's fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. The plaintiff seeks reimbursement for attorney fees in the amount of \$3,178.44, and costs in the amount of \$350.00.

The defendant does not resist the amount of fees and costs sought by the plaintiff. *See* Doc. No. 26. However, in her motion, the plaintiff requests that payments be made directly to her attorney. The Commissioner objects, *id.*, noting the statute provides for payment of fees and expenses "to the prevailing party," not to a party's attorney. 28 U.S.C. § 2412(b); *see id.*, subsection (d)(1)(B) (directing "[a] *party* seeking an award of fees and other expenses" to submit an application to the court, "including an itemized statement from any attorney or expert witness. . . .") (emphasis added). The court agrees with the Commissioner's interpretation of the statute. Therefore, judgment will be entered for the plaintiff, not her counsel.

Accordingly, the plaintiff's motion is **granted**. Judgment will be entered for the plaintiff for attorney's fees in the amount of **\$3,178.44** under the EAJA. Further, judgment will be entered for costs in the amount of **\$350.00**, to be paid from the Judgment Fund administered by the Treasury Department.

**IT IS SO ORDERED.**

**DATED** this 2nd day of January, 2008.

A handwritten signature in black ink, appearing to read "Paul A. Zoss", is written above a horizontal line.

---

PAUL A. ZOSS  
CHIEF MAGISTRATE JUDGE  
UNITED STATES DISTRICT COURT